

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CT-3072-D

OSBORNE PARNELL BENNETT, JR.,)

Plaintiff,)

v.)

BRIAN JOHNSON,)

Defendant.)


ORDER

On October 19, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 12] and recommended that the court dismiss Osborne Parnell Bennett, Jr.’s (“Bennett”) 42 U.S.C. § 1983 complaint without prejudice because Bennett admitted in his complaint that he did not exhaust his available administrative remedies. No party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted). The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 12].

In sum, the court adopts the conclusions in the M&R [D.E. 12], and Bennett’s complaint is DISMISSED without prejudice. The clerk shall close the case.

SO ORDERED. This 21 day of December 2017.



JAMES C. DEVER III
Chief United States District Judge